

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 9

Introduced by Landis, 46

Read first time January 6, 2005

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to county zoning; to amend section 23-174.03,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to subdivision plats; and to repeal
4 the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-174.03, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 23-174.03. (1) No owner of any real estate located ~~in an~~
4 ~~area~~ in a county in which is located a city of the primary class,
5 except within the area over which subdivision jurisdiction has been
6 granted to any city or village, and such city or village is
7 exercising such jurisdiction, shall be permitted to subdivide,
8 plat, or lay out ~~said~~ such real estate in building lots and
9 streets, or other portions of the same intended to be dedicated for
10 public use or for the use of the purchasers or owners of lots
11 fronting thereon or adjacent thereto, without first having obtained
12 the approval thereof by the county board of such county. In lieu
13 of approval by the county board, the county board may designate
14 specific types of plats which may be approved by the county
15 planning commission or the planning director. No ~~r~~ and no plat or
16 subdivision of such real estate shall be recorded in the office of
17 the register of deeds or have any force or effect unless the same
18 ~~be is~~ is approved by the county board, the county planning commission,
19 or the planning director of such county. Such a county shall have
20 authority within the area ~~above~~ described in this subsection (a)
21 ~~(1)~~ to regulate the subdivision of land for the purpose, whether
22 immediate or future, of transfer of ownership or building
23 development, except that the county shall have no power to regulate
24 subdivision in those instances where the smallest parcel created is
25 more than ten acres in area, ~~(2)~~ (b) to prescribe standards for
26 laying out subdivisions in harmony with the comprehensive plan, ~~(3)~~
27 (c) to require the installation of improvements by the owner or by
28 the creation of public improvement districts, or by requiring a

1 good and sufficient bond guaranteeing installation of such
2 improvements, and ~~(4)~~ (d) to require the dedication of land for
3 public purposes.

4 (2) For purposes of this section, subdivision means
5 ~~Subdivision shall mean~~ the division of a lot, tract, or parcel of
6 land into two or more lots, sites, or other divisions of land for
7 the purpose, whether immediate or future, of ownership or building
8 development, except that the division of land shall not be
9 considered to be subdivision when the smallest parcel created is
10 more than ten acres in area.

11 (3) Subdivision plats shall be approved by the county
12 planning commission on recommendation by the planning director and
13 county engineer and shall may be submitted to the county board for
14 its consideration and action. The county board may withhold
15 approval of a plat until the county engineer has certified that the
16 improvements required by the regulations have been satisfactorily
17 installed or until a sufficient bond guaranteeing installation of
18 the improvements has been posted with the county or until public
19 improvement districts are created. The county board may provide
20 procedures in land subdivision regulation for appeal by any person
21 aggrieved by any action of the county planning commission or
22 planning director.

23 Sec. 2. Original section 23-174.03, Reissue Revised
24 Statutes of Nebraska, is repealed.